



THE CITY OF NEW YORK
LAW DEPARTMENT
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August 2, 2022

BY ECF

Honorable Lewis J. Liman
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *V.A. obo O.A. v. City of New York, et al.*, 22-cv-773 (LJL)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and am newly assigned to represent Defendants the City of New York and Naomi Cudjoe (collectively, “City Defendants”) in the above-referenced action. I write to respectfully inform the Court that the City Defendants do not intend to oppose Plaintiff’s motion for leave to file an Amended Complaint in this action.

Plaintiff V.A. commenced this action on behalf of herself and her minor child, O.A., alleging claims of malicious prosecution, interference with intimate association, violation of substantive due process, denial of the right to a fair trial, and various forms of negligence against Defendants City of New York; Naomi Cudjoe, a former employee of the New York City Administration for Children’s Services (“ACS”); and three private entities — the Jewish Board of Family and Children’s Services (“JBFCSS”); the Jewish Child Care Association of New York (“JCCA”), and SCO Family of Services (“SCO”). (*See* Complaint, Dkt. 1.) By Notice dated June 10, 2022, the City Defendants moved to dismiss the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, requested that the Court decline to exercise supplemental jurisdiction over Plaintiff’s State law claims, and requested that the Court stay all discovery pending a ruling on their motion to dismiss. (*See* City Defendants’ Notice of Motion to Dismiss the Complaint, Dkt. 36; Memorandum of Law in Support of Motion to Dismiss the Complaint, Dkt. 37.)

By letter motion dated July 29, 2022, Plaintiff moved for leave to file an Amended Complaint against all Defendants, noting that Rule 15 of the Federal Rules of Civil Procedure and Rule 3C of Your Honor's Individual Practices contemplate that a plaintiff may amend the Complaint in response to a motion to dismiss. (*See* Dkt. 58.) By Order dated July 30, 2022, Your Honor noted that it had taken Plaintiff's motion under advisement and ordered "Defendants to inform the Court by August 2, 2022, whether they intend to oppose the motion." (Dkt. 59.)

Accordingly, the City Defendants respectfully inform the Court that they do not oppose Plaintiff's motion for leave to file an Amended Complaint.

Thank you for your consideration of the foregoing.

Respectfully,

/s/
Darian Alexander
Assistant Corporation Counsel

CC: All Counsel of Record (via ECF)